IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11480 of 2006

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Dated: June 12, 2006

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Between:

A. Laxman, S/o. Rajaiah, E.290705-Driver,

R/o.4-39, Ensanpalli Village, Siddipet Mandal,

Medak District, and another.

… Petitioners

And

A.P. State Road Transport Corporation rep.

by its Managing Director, Musheerabad, Hyderabad,

and two others.

… Respondents

Order:

The petitioners, working as drivers in the respondent, A.P. State Road Transport Corporation, filed the present writ petition questioning the proceedings dated 10-05-2006, passed by the second respondent, placing them under suspension.

2. Heard the learned counsel for the petitioners and also
Sri V.T.M. Prasad, the learned Standing Counsel appearing on behalf of the respondents.

3. The facts of the case, in brief, are that on 24-01-2006, the petitioners were operating the bus bearing No.AP.11Z.5544 from Siddipet - Mumbai and when the bus reached Nizamabad, a parcel clerk of ANL Parcel Service loaded a parcel, described as 'Old Cloth Bundle' on the top of the bus along with a slip voucher bearing No.13624466 dated 24-01-2006. In transit, Prohibition and Excise officials conducted a routine check; wherein they found that the old cloth bundle loaded at Nizamabad contained 55 Kgs. of dry Ganja.
A case was registered against the petitioners for the offence under Section 8 read with Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the ground that they had undertaken transportation of a prohibited item in collusion with the ANL Parcel Service agent. Thereafter, departmental proceedings were initiated against the petitioners and they were placed under suspension pending enquiry. Aggrieved thereby, the petitioners approached this court and filed W.P.Nos.4538 and 4684 of 2006 which were disposed of by this court permitting the petitioners to make representations and directing the respondents to consider the same and pass appropriate orders. Based on the representations made by the petitioners, the impugned order has been passed.

4. Learned counsel for the petitioners submits that the criminal proceedings initiated against the petitioners are false and fabricated and that they are no way concerned with the said proceedings. He further submits that they had only undertaken the transportation of the consignment in normal course and they are not supposed to open any consignment undertaken by them, in which event, there is no basis for placing them under suspension.

5. However, a reading of the impugned order makes it clear that the petitioners undertook the said parcel, which contains Ganja, in collusion with the agent of the

ANL Parcel Service. Whether the petitioners connived with the agent of the ANL Parcel Service is a matter for enquiry and this court cannot go into that aspect, at this stage. It is stated that the petitioners were placed under suspension as early as on 25-02-2006. Though I am not inclined to interfere with the order impugned, since the petitioners have been under suspension since the last 4 months, I dispose of the writ petition directing the respondents to complete the enquiry within two months from today. If the enquiry is not completed within the time stipulated hereinabove, the respondents are directed to reinstate the petitioners, pending departmental proceedings.

6. Subject to the above observations, the writ petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

June 12, 2006

MRR